

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:15-CV-559

CITY OF GREENSBORO, LEWIS A.)
BRANDON III, JOYCE JOHNSON,)
NELSON JOHNSON, RICHARD)
ALAN KORITZ, SANDRA SELF)
KORITZ, AND CHARLI MAE SYKES)

Plaintiffs,)

v.)

GUILFORD COUNTY BOARD OF)
ELECTIONS,)

Defendant.)

[Amended]

MOTION TO DISMISS THE CITY
OF GREENSBORO PURSUANT
TO FED. R. CIV. P 12(b)(1)

Melvin Alston, Jean Brown, Hurley Derrickson, Stephen Golimowski, Wayne Goodson, Earl Jones, Sharon Kasica, Jim Kee, and William Clark Porter (“Intervenors”) file this Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) as the Court lacks subject-matter jurisdiction to hear this claim because the Plaintiff City of Greensboro lacks standing to bring this action. Intervenors have filed a memorandum of law in support of this motion contemporaneously herewith. This document was submitted as an exhibit to the Intervenors’ Motion to Intervene on August 25, 2015, and is amended herein to comply with local rules.

WHEREFORE, Intervenors respectfully requests that this Court dismiss all claims asserted by the City of Greensboro in this action for lack of standing.

This 2nd day of September, 2015

NARRON, O'HALE AND
WHITTINGTON, P.A.

By: /s/ Benton G. Sawrey
Benton G. Sawrey (#46379)
Attorney for Intervenor-Defendants
Post Office Box 1567
Smithfield, NC 27577
Tel: (919) 934-6021
Fax: (919) 934-6280
bsawrey@nowlaw.com

CERTIFICATE OF SERVICE

The undersigned attorney certifies that this day he has electronically filed the foregoing Amended Motion to Dismiss in the above-titled action with the Clerk of Court using the CM/ECF system, which provided notice of such filing to:

Mark Payne, County Attorney
Guilford County Attorney's Office
Attorney for Defendant Guilford County Board of Elections
PO Box 3427
Greensboro, NC 27402

Jim W. Phillips, Jr.
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Attorney for City of Greensboro
Post Office Box 26000
Greensboro, N.C. 27420-6000

Julia C. Ambrose
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Attorney for City of Greensboro
Post Office Box 26000
Greensboro, N.C. 27420-6000

Daniel F.E. Smith
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Attorney for City of Greensboro
Post Office Box 26000
Greensboro, N.C. 27420-6000

Anita S. Earls
Southern Coalition for Justice
Attorney for Plaintiffs Brandon, Johnson, Johnson, Koritz and Koritz
1415 West Highway 54, Suite 101
Durham, N.C. 27707

Allison J. Riggs
Southern Coalition for Justice
Attorney for Plaintiffs Brandon, Johnson, Johnson, Koritz and Koritz
1415 West Highway 54, Suite 101
Durham, N.C. 27707

Respectfully submitted this 2nd day of September, 2015.

/s/ Benton G. Sawrey
Benton G. Sawrey